



02-19-02

JC10R

PCT/PTO

15 FEB 2002

PCT

Per seg

446.001

45

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
J.L. LALANNE et al
Serial No.: 09/786,880
Filed: March 8, 2001
For: Essential Genes...Said Genes

600 Third Avenue
New York N.Y. 10016
February 15, 2002

RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the notice of defective response dated February 1, 2002, Applicants are submitting herewith another copy of the sequence listing as well as another copy of the diskette for the sequence listing. The notice indicated that the initially submitted diskette and hard copy were found to be damaged or unreadable. It is requested that paper copy and the new diskette be entered in place of the damaged diskette. The contents of the paper copy and the diskette are the same and where applicable, include no new matter as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

Respectfully submitted,
Bierman, Muserlian and Lucas

By:

Charles A. Muserlian

Charles A. Muserlian #19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Enclosures

EV 948 70 9363
FEB 15 2002
[date of receipt]
I hereby certify that this paper or be
being deposited with the United States Patent
and Trademark Office to Affirmation
under 37 CFR 1.12 on the date indicated
above and is addressed to the Commissioner
of Patents and Trademarks, Washington, D.C.
20501

FEB 15, 2002

D. Nakonec
Director of Patent and Trademark

Hish



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 09/786,880 | / Lalanne | 446.001 |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/EP99/07376

| LA. FILING DATE | PRIORITY DATE |
|-----------------|---------------|
| 09/13/1999 | 09/11/1998 |

20311

 BIERMAN MUSERLIAN AND LUCAS
 600 THIRD AVENUE
 NEW YORK, NY 10016

 RECEIVED
 FEB - 7 2002

BIERMAN, MUSERLIAN AND LUCAS

CONFIRMATION NO. 6096

371 FORMALITIES LETTER



OC000000007406475

Date Mailed: 02/01/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

March 1, 2002 (1)
 April 1, 2002 (1) + 1
 May 1, 2002 (1) + 2
 June 1, 2002 (1) + 3
 July 1, 2002 (1) + 4

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - Please see the error list attached.
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600

- For Patent Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/786,880 | PCT/EP99/07376 | 446.001 |